

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79138332
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION	
MARK	<a href="http://tmng-al.uspto.gov/resting2/api/img/79138332/large">http://tmng-al.uspto.gov/resting2/api/img/79138332/large</a>
LITERAL ELEMENT	COTRAL
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
<b><u>Request for Reconsideration Under 37 C.F.R. § 2.64 (b)</u></b>	
This request for reconsideration is submitted in response to the final Office Action of February 10, 2015.	
<b><u>Identification of Goods</u></b>	
Applicant has amended the specification of goods and services to more accurately identify its goods and services of interest in International Classes 9, 10 and 44 as requested by the Examiner.	
<b><u>Significance of the Mark</u></b>	
Applicant states that, to the best of its knowledge, "COTRAL" does not have any meaning or significance in the relevant trade or industry or as applied to the goods and services described in the application, nor is such wording a "term of art" within Applicant's industry. Moreover, said wording does not have any geographic significance or any meaning in a foreign language.	
<b><u>Final Remarks</u></b>	
In view of the foregoing remarks and amendments, Applicant respectfully submits that the present application is in condition for allowance, and therefore requests that Applicant's mark be approved for publication.	
If any further objections or questions arise, a telephone call to the undersigned attorney would be greatly appreciated to expedite this application.	

**GOODS AND/OR SERVICES SECTION (009)(current)****INTERNATIONAL CLASS**

009

**DESCRIPTION**

Measuring software for checking hearing protection apparatus, namely software for checking efficiency of human protectors; measuring apparatus and instruments for checking personal protection equipment, namely equipment for sealing verification; wireless transmitters and receivers as well as components thereof ; headsets namely telephone headsets, communication headsets, talkie-walkies; custom-made ear mold for headphones or hands-free kits, namely ear buds , custom- ear molds; headphones facilitating communication in noisy environments ; custom-made headphones

**GOODS AND/OR SERVICES SECTION (009)(proposed)****INTERNATIONAL CLASS**

009

**TRACKED TEXT DESCRIPTION**

~~Measuring software for checking hearing protection apparatus, namely software for checking efficiency of human protectors;~~ Measuring software for checking hearing protection apparatus, namely software for checking efficiency of protective ear coverings, ear plugs and noise reducing ear devices for humans; ~~measuring apparatus and instruments for checking personal protection equipment, namely equipment for sealing verification;~~ Measuring apparatus and instruments for checking personal protection equipment, namely equipment for measuring the integrity of seals and sealant in hearing protection devices; headsets for use with telephones, computers and mobile phones; ~~headsets namely telephone headsets, communication headsets, talkie-walkies;~~ protective helmets; ~~custom-made ear mold for headphones or hands-free kits, namely ear buds , custom- ear molds;~~ wireless transmitters and receivers as well as components thereof; ~~headphones facilitating communication in noisy environments;~~ Custom-made ear molds for headphones and hands-free kits for phones for non-medical purposes, namely, custom ear buds and custom headphones; headphones for facilitating communication in noisy environments; custom-made headphones

**FINAL DESCRIPTION**

Measuring software for checking hearing protection apparatus, namely software for checking efficiency of protective ear coverings, ear plugs and noise reducing ear devices for humans; Measuring apparatus and instruments for checking personal protection equipment, namely equipment for measuring the integrity of seals and sealant in hearing protection devices; headsets for use with telephones, computers and mobile phones; protective helmets; wireless transmitters and receivers as well as components thereof; Custom-made ear molds for headphones and hands-free kits for phones for non-medical purposes, namely, custom ear buds and custom headphones; headphones for facilitating communication in noisy environments; custom-made headphones

**GOODS AND/OR SERVICES SECTION (010)(current)****INTERNATIONAL CLASS**

010

**DESCRIPTION**

Surgical and medical apparatus and instruments, artificial limbs; ear protectors; ears protectors; Apparatus and instruments for the maintenance and hygiene of hearing protection apparatus; Ear plugs and hearing protections for medical purposes; Ear plugs; earphones; custom-made earmold for headphones or hands-free device (parts of hearing medical apparatus); earphones for communication transmission in a noisy environment (parts of hearing medical apparatus); custom-made earphones

(parts of hearing medical apparatus); hearing or ears protection apparatus; custom-made earmold based on an ear impression

#### **GOODS AND/OR SERVICES SECTION (010)(proposed)**

INTERNATIONAL CLASS

010

#### **TRACKED TEXT DESCRIPTION**

~~Surgical and medical apparatus and instruments, artificial limbs~~; Medical apparatus and instruments for treating and diagnosing hearing loss; ~~ear protectors~~; artificial limbs; ~~ears protectors~~; ear protectors in the nature of ear plugs for noise reduction; ~~Apparatus and instruments for the maintenance and hygiene of hearing protection apparatus~~; Medical apparatus and instruments for the maintenance and hygiene of hearing protection apparatus, namely, calibrators for hearing aids and medical hearing instruments; ~~Ear plugs and hearing protections for medical purposes~~; Ear plugs and hearing protectors in the nature of ear plugs for medical purposes; ~~Ear plugs~~; Parts of medical hearing devices, namely, custom-made earmolds for assistive listening headphones and hands-free assistive listening devices; ~~earphones~~; Parts of medical hearing devices, namely, earphones as part of assistive listening devices for communication transmission in noisy environments; ~~custom-made earmold for headphones or hands-free device (parts of hearing medical apparatus)~~; Parts of medical hearing devices, namely, custom-made earphones as parts of assistive listening headphones; ~~earphones for communication transmission in a noisy environment (parts of hearing medical apparatus)~~; Hearing and ear protection apparatus, namely, ear plugs for noise reduction; ~~custom-made earphones (parts of hearing medical apparatus)~~; Parts of medical hearing devices, namely, custom-made earmolds made from ear impressions for assistive listening headphones and hands-free assistive listening devices; ~~hearing or ears protection apparatus~~; ~~custom-made earmold based on an ear impression~~

#### **FINAL DESCRIPTION**

Medical apparatus and instruments for treating and diagnosing hearing loss; artificial limbs; ear protectors in the nature of ear plugs for noise reduction; Medical apparatus and instruments for the maintenance and hygiene of hearing protection apparatus, namely, calibrators for hearing aids and medical hearing instruments; Ear plugs and hearing protectors in the nature of ear plugs for medical purposes; Parts of medical hearing devices, namely, custom-made earmolds for assistive listening headphones and hands-free assistive listening devices; Parts of medical hearing devices, namely, earphones as part of assistive listening devices for communication transmission in noisy environments; Parts of medical hearing devices, namely, custom-made earphones as parts of assistive listening headphones; Hearing and ear protection apparatus, namely, ear plugs for noise reduction; Parts of medical hearing devices, namely, custom-made earmolds made from ear impressions for assistive listening headphones and hands-free assistive listening devices

#### **GOODS AND/OR SERVICES SECTION (044)(current)**

INTERNATIONAL CLASS

044

#### **DESCRIPTION**

Medical services ; hygienic and beauty care for human beings ; medical equipment rental ; consultancy relating to medical devices, namely consultation in the field of information on noisy environments and noise reduction

#### **GOODS AND/OR SERVICES SECTION (044)(proposed)**

INTERNATIONAL CLASS	044
<b>TRACKED TEXT DESCRIPTION</b>	
Medical services; Hygienic and beauty care for human beings; medical equipment rental; <del>consultancy relating to medical devices, namely consultation in the field of information on noisy environments and noise reduction</del> ; <u>consultancy relating to medical devices, namely, consultation in the field of assistive hearing devices and their use in noisy environments</u>	
<b>FINAL DESCRIPTION</b>	
Medical services; Hygienic and beauty care for human beings; medical equipment rental; consultancy relating to medical devices, namely, consultation in the field of assistive hearing devices and their use in noisy environments	
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>SIGNIFICANCE OF MARK</b>	COTRAL appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the application, or any geographical significance. The word(s) COTRAL has no meaning in a foreign language.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/justinryoung/
<b>SIGNATORY'S NAME</b>	Justin R. Young
<b>SIGNATORY'S POSITION</b>	Attorney of record, New York bar member
<b>SIGNATORY'S PHONE NUMBER</b>	3123381000
<b>DATE SIGNED</b>	08/03/2015
<b>AUTHORIZED SIGNATORY</b>	YES
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Mon Aug 03 17:36:23 EDT 2015
<b>TEAS STAMP</b>	USPTO/RFR-209.252.70.107- 20150803173623870232-7913 8332-540fc5fccb91a0f986b3 30893d7a38b3a6bd225858a87 b4120d6ce6d5322b731-N/A-N /A-20150803173245046617

## **Request for Reconsideration after Final Action To the Commissioner for Trademarks:**

Application serial no. **79138332** COTRAL(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/79138332/large>) has been amended as follows:

### **ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

#### **Request for Reconsideration Under 37 C.F.R. § 2.64 (b)**

This request for reconsideration is submitted in response to the final Office Action of February 10, 2015.

#### **Identification of Goods**

Applicant has amended the specification of goods and services to more accurately identify its goods and services of interest in International Classes 9, 10 and 44 as requested by the Examiner.

#### **Significance of the Mark**

Applicant states that, to the best of its knowledge, “COTRAL” does not have any meaning or significance in the relevant trade or industry or as applied to the goods and services described in the application, nor is such wording a “term of art” within Applicant’s industry. Moreover, said wording does not have any geographic significance or any meaning in a foreign language.

#### **Final Remarks**

In view of the foregoing remarks and amendments, Applicant respectfully submits that the present application is in condition for allowance, and therefore requests that Applicant's mark be approved for publication.

If any further objections or questions arise, a telephone call to the undersigned attorney would be greatly appreciated to expedite this application.

### **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 009 for Measuring software for checking hearing protection apparatus, namely software for checking efficiency of human protectors; measuring apparatus and instruments for checking personal protection equipment, namely equipment for sealing verification; wireless transmitters and receivers as well as components thereof ; headsets namely telephone headsets, communication headsets, talkie-walkies; custom-made ear mold for headphones or hands-free kits, namely ear buds , custom- ear molds; headphones facilitating communication in noisy environments ; custom-made headphones

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Measuring software for checking hearing protection apparatus, namely software for checking efficiency of human protectors;~~ Measuring software for checking hearing protection apparatus, namely software for checking efficiency of protective ear coverings, ear plugs and noise reducing ear devices for humans; ~~measuring apparatus and instruments for checking personal protection equipment, namely equipment for sealing verification;~~ Measuring apparatus and instruments for checking personal protection equipment, namely equipment for measuring the integrity of seals and sealant in hearing protection devices; headsets for use with telephones, computers and mobile phones; ~~headsets namely telephone headsets, communication headsets, talkie-walkies;~~ protective helmets; ~~custom-made ear mold for headphones or hands-free kits, namely ear buds , custom-ear molds;~~ wireless transmitters and receivers as well as components thereof; ~~headphones facilitating communication in noisy environments;~~ Custom-made ear molds for headphones and hands-free kits for phones for non-medical purposes, namely, custom ear buds and custom headphones; headphones for facilitating communication in noisy environments; custom-made headphones

Class 009 for Measuring software for checking hearing protection apparatus, namely software for checking efficiency of protective ear coverings, ear plugs and noise reducing ear devices for humans; Measuring apparatus and instruments for checking personal protection equipment, namely equipment for measuring the integrity of seals and sealant in hearing protection devices; headsets for use with telephones, computers and mobile phones; protective helmets; wireless transmitters and receivers as well as components thereof; Custom-made ear molds for headphones and hands-free kits for phones for non-medical purposes, namely, custom ear buds and custom headphones; headphones for facilitating communication in noisy environments; custom-made headphones

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 010 for Surgical and medical apparatus and instruments, artificial limbs; ear protectors; ears protectors; Apparatus and instruments for the maintenance and hygiene of hearing protection apparatus; Ear plugs and hearing protections for medical purposes; Ear plugs; earphones; custom-made earmold for headphones or hands-free device (parts of hearing medical apparatus); earphones for communication transmission in a noisy environment (parts of hearing medical apparatus); custom-made earphones (parts of hearing medical apparatus); hearing or ears protection apparatus; custom-made earmold based on an ear impression

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** ~~Surgical and medical apparatus and instruments, artificial limbs;~~ Medical apparatus and instruments for treating and diagnosing hearing loss; ~~ear protectors;~~ artificial limbs; ~~ears protectors;~~ ear protectors in the nature of ear plugs for noise reduction; ~~Apparatus and instruments for the maintenance and hygiene of hearing protection apparatus;~~ Medical apparatus and instruments for the maintenance and hygiene of hearing protection apparatus, namely, calibrators for hearing aids and medical hearing instruments; ~~Ear-plugs and hearing protections for medical purposes;~~ Ear plugs and hearing protectors in the nature of ear plugs for medical purposes; ~~Ear-plugs;~~ Parts of medical hearing devices, namely, custom-made earmolds for assistive listening headphones and hands-free assistive listening devices; ~~earphones;~~ Parts of medical hearing devices, namely, earphones as part of assistive listening

~~devices for communication transmission in noisy environments; custom-made earmold for headphones or hands-free device (parts of hearing medical apparatus);~~ Parts of medical hearing devices, namely, custom-made earphones as parts of assistive listening headphones; ~~earphones for communication transmission in a noisy environment (parts of hearing medical apparatus);~~ Hearing and ear protection apparatus, namely, ear plugs for noise reduction; ~~custom-made earphones (parts of hearing medical apparatus);~~ Parts of medical hearing devices, namely, custom-made earmolds made from ear impressions for assistive listening headphones and hands-free assistive listening devices; ~~hearing or ears protection apparatus; custom-made earmold based on an ear impression~~

Class 010 for Medical apparatus and instruments for treating and diagnosing hearing loss; artificial limbs; ear protectors in the nature of ear plugs for noise reduction; Medical apparatus and instruments for the maintenance and hygiene of hearing protection apparatus, namely, calibrators for hearing aids and medical hearing instruments; Ear plugs and hearing protectors in the nature of ear plugs for medical purposes; Parts of medical hearing devices, namely, custom-made earmolds for assistive listening headphones and hands-free assistive listening devices; Parts of medical hearing devices, namely, earphones as part of assistive listening devices for communication transmission in noisy environments; Parts of medical hearing devices, namely, custom-made earphones as parts of assistive listening headphones; Hearing and ear protection apparatus, namely, ear plugs for noise reduction; Parts of medical hearing devices, namely, custom-made earmolds made from ear impressions for assistive listening headphones and hands-free assistive listening devices

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 044 for Medical services ; hygienic and beauty care for human beings ; medical equipment rental ; consultancy relating to medical devices, namely consultation in the field of information on noisy environments and noise reduction

Original Filing Basis:

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**Proposed:**

**Tracked Text Description:** Medical services; Hygienic and beauty care for human beings; medical equipment rental; ~~consultancy relating to medical devices, namely consultation in the field of information on noisy environments and noise reduction;~~ consultancy relating to medical devices, namely, consultation in the field of assistive hearing devices and their use in noisy environments

Class 044 for Medical services; Hygienic and beauty care for human beings; medical equipment rental; consultancy relating to medical devices, namely, consultation in the field of assistive hearing devices and their use in noisy environments

**Filing Basis Section 66(a)** , Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

**ADDITIONAL STATEMENTS**

**Significance of wording, letter(s), or numeral(s)**

COTRAL appearing in the mark has no significance nor is it a term of art in the relevant trade or industry or as used in connection with the goods/services/collective membership organization listed in the

application, or any geographical significance. The word(s) COTRAL has no meaning in a foreign language.

**SIGNATURE(S)**

**Request for Reconsideration Signature**

Signature: /justinryoung/ Date: 08/03/2015

Signatory's Name: Justin R. Young

Signatory's Position: Attorney of record, New York bar member

Signatory's Phone Number: 3123381000

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 79138332

Internet Transmission Date: Mon Aug 03 17:36:23 EDT 2015

TEAS Stamp: USPTO/RFR-209.252.70.107-201508031736238

70232-79138332-540fc5fccb91a0f986b330893

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N/A-N/A-20150803173245046617